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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/544,718

04/06/2000

Eduardo Cue

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12/02/2005

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/544,718

Applicant(s)

CUE ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 86-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 86-109 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

All pending claims (86-109) were examined in this final office action.

### ***Response to Arguments***

#### **Pertaining to Rejection under 35 USC 112 in previous office action**

The Applicant amended claim language in claims 101 and 109. Rejection under 35 USC 112 is withdrawn.

#### **Pertaining to Rejection under 35 USC 103 in previous office action**

Applicant's arguments filed 09 September 2005 have been fully considered but they are not persuasive. The Examiner respectfully disagrees with the Applicant's argument that the fleet manager does not create virtual bundles. It is clear from prior art PRN that the fleet manager is in control in an administrative capacity and that the options that the drivers can select are available only because they, the drivers, are "permitted to choose from designated options or can even be allowed to build entire vehicles." The fleet manager identifies which products can be selected from a universe of automotive products. Choosing from among options associated with a particular vehicle gives the driver the opportunity to create his/her own bundled product; however, giving the driver the ability to select a vehicle with identified selectable options is also evidence of product bundling by the fleet manager.

The concept of product bundling is neither novel nor non-obvious. Henson discloses a universe of Dell products and compatible components, peripherals, and software that are already bundled based on utility and compatibility with a specific Dell computer or family of Dell computers. Henson discloses government customers having their own premier page web site that provides government-specific configurations and pricing. PRN and Dell Computer teach and suggest seller-level bundling, bundling by an administrator, and bundling by the individual user.

Though not relied upon, attached for the Applicant's convenience and review is prior art extracted from the Dell Computer web site that depicts the [www.dell.com](http://www.dell.com) Federal Government home page and the web page for Federal Indefinite Delivery Indefinite Quantity (IDIQ) Contracts. The IDIQ web pages show two federal contracts, SMC-II and NIH, and specifically states that these are negotiated contracts. Each contract itself represents a total bundle of products that buyers can choose as decided by the Army.

The Examiner is suggesting the Applicant consider a telephonic interview for further discussion.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 86-109 are rejected under 35 USC 103(a) as being unpatentable over PR Newswire (Paper #20040716, PTO-892, Item: U hereinafter referred to as "PRN"), in view of Dell Computer (a collection of prior art cited in Paper #4, PTO-892 Items: U-X; and Henson, Paper #4, patent number 6,167,383).**

PRN teaches GE Capital's online ordering system that allows users to order products (e.g. a vehicles) based on parameters selected by an administrator. PRN teaches the a fleet manager establishing product selectors on the Internet and allowing drivers to make product/option selections online using a secure user ID and password. PRN further teaches drivers being permitted to choose from designated product options or being allowed to build entire vehicles (please note examiner's interpretation: fleet manager acting as an administrator and in control

of products bundled to make a completed product bundle) (Paper #20040716, U: see at least pages 1 and 2). PRN further teaches:

- Presenting or generating bundle-selection data from a custom store administration computer, products to be bundled are selected by an administrator associated with the group: parameters selected by the drivers' fleet manager; drivers' fleet manager establishing their selectors on the Internet (Paper #20040716, U: see at least pages 1 and 2).
- Presenting or generating a bundle of products with a server system; configuring the bundle or products with instantiation data for the group; products tailored for the group: fleet managers deciding product options for their drivers (please note examiner's interpretation: orderable product is tailored by an administrator for his/her group of drivers) (Paper #20040716, U: see at least pages 1 and 2).
- Presenting or generating the bundle of products from the bundle selection data: fleet manager establishes their selectors on the Internet allowing drivers to make product selections online; product configuring is based on the parameters the drivers' fleet manager selects (please note examiner's interpretation: fleet manager creates product bundles) (Paper #20040716, U: see at least pages 1 and 2).

PRN teaches all the above as noted under the 103(a) rejection and teaches the online ordering system being modeled after Dell Computer's online ordering system (U: see at least pages 1 and 2), but does not disclose specifics about Dell Computer's online ordering system. Dell Computer teaches a system and method for conducting commerce with its customers desiring to customize their purchase of computers, peripherals, software, and accessories through Dell Computer's web site (Paper #4, U: see at least pages 2-3; Henson: see at least abstract; Fig. 3a (70); col. 1, lines 15-22). Dell Computer teaches its Premier Pages, customized secure websites for individual customer groups (e.g. companies, government institutions, small businesses) managed by Dell Computer's web service that allows companies and public-sector customers to simplify procurement of Dell products and support processes (Paper #4, U: see at least pages 3-5; W: page 1; Henson: see at least col. 14, lines 18-61). Dell Computer teaches a smart configurator that presents a base product selected by the customer using a Premier Page (e.g. Dell Dimension XPS R mini tower computer) and presents required compatible components (e.g. memory, monitor), bundled software, and optional accessories (Paper #4, Henson: see Fig. 4 (70)) (please note examiner's interpretation: smart configurator instantiated data by dynamically generating a bundle of products and accessories for a customer to select). Dell Computer further teaches:

- Custom store web page: Premier web pages as a particular type of customer set (Paper #4, U: page 1; X: page 1; Henson: see at least col. 14, lines 35-47).
- Pricing tiers: customer set or group discounting (e.g. government discounting, retail discounting) (see at least col. 10, lines 30-48).
- Pricing recalculation: pricing changes as product/options are selected (see at least Figs. 3B (72); Fig. 6 (104); col. 6, lines 18-30).
- Commerce site is dynamically produced: dynamic publishing (Paper #4, U: page 5).
- Determining if any of the product data is obsolete with a reconciliation application: Dell's ImageWatch program provides early notification of technology changes and impact to Dell corporate and institutional customers through Premier web pages (Paper #4, W: see page 1).
- Databases: database driven shopping cart and configurator that assists the customer of a customer set (Premier Page) in customizing a computer system for purchase providing automatic price totaling (Paper #4, Henson: see at least Fig. 1 (18, 20, 24); col. 4, line 35 through col. 5, line 65).
- Computer-readable medium: online store with CPU, hard disk, floppy drive, and memory devices (Henson: see at least Fig. 11 (52, 56, 58); col. 6, lines 5-17).
- System means: server means; communication means (Internet, I/O, bus); database means to store and access data; central processing unit for



execution means to dynamically create bundled products; image displaying (Paper #4, Henson: see at least Fig. 11 (52, 56, 58); col. 6, lines 5-17).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PRN to include system components, features, functionality, and methods of Dell Computer's online ordering system as taught by Dell Computer, in order to provide an online product bundling ordering system, and thereby attract business customers to the online bundling service.

*Pertaining to system Claims 86-93*

Rejection of Claims 86-93 is based on the same rationale as noted above.

*Pertaining to computer-readable medium Claims 102-109*

Rejection of Claims 102-109 is based on the same rationale as noted above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
November 28, 2005